

RECEIVED  
CENTRAL FAX CENTER

AUG 08 2006



ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 PARK PLAZA  
SUITE 1600  
IRVINE, CA 92614  
tel 949-567-6700  
fax 949-567-6710  
WWW.ORRICK.COM

FAX TRANSMISSION

DATE August 8, 2006

NO. OF PAGES  
(INCLUDING COVER SHEET) 4

FROM

Name Eugene R. Worley  
Reg. No. 47,186 tel (949) 567-6700

TO

Name company/firm tel fax  
Examiner: U.S. Patent & Trademark Office (571) 273-8300  
Shawki Saif Ismail

RE Application No.: 09/835,079 - Applicant: Songxiang Wei  
Filing Date: April 13, 2001 - Title: Application Based Screen Sampling  
Group Art Unit: 2155 - Confirmation No.: 3866  
Orrick Dkt. No.: 16440.4011 - Customer No.: 34313

MESSAGE

Following is a Request For Telephone Interview With Examiner

C-M-A

Original document will not follow

If you do not receive all pages, please call Lois Kimmerle at (949) 852-7746 as soon as possible.

notice to recipient

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK-PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

US\_WEST:260069707.1

AUG 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/835,079 Confirmation No.: 3866  
Applicant : Songxiang Wei  
Filing Date : April 13, 2001  
Title : Application Based Screen Sampling  
Group Art Unit : 2155  
Examiner : Shawki Saif Ismail  
Docket No. : 16440.4011  
Customer No. : 34313

## REQUEST FOR TELEPHONE INTERVIEW WITH EXAMINER

Sir,

Before submitting a formal response to the Office Action dated June 2, 2006, Applicants would like an opportunity to hold a telephone interview with the Examiner to discuss the 35 U.S.C. 102 rejection of claims 1, 2, 6-10, 14-18, and 22-41 as being anticipated by Boss et al. (U.S. 5,758,100).

In preparation for the requested telephone interview, Applicants would appreciate the Examiner considering the following arguments for claim 1:

Claim 1 is patentable because neither Boss nor the AAPA, either alone or in combination, discloses, teaches or suggests determining the position and size of a shared application by "monitoring and intercepting function calls made by the shared application to a Graphics Device Interface" (emphasis added). Rather, the sensor application 107 of Boss intercepts display driver calls made by the graphical device interface 102 to the display driver 104 (see column 4, lines 49-58). Figure 3 of Boss clearly shows the sensor application 107 intercepting display driver calls made by the graphical user interface (GDI) 102 to the display driver 104, and not function calls made by the Windows application 101 to the GDI 102. Display driver calls

US\_WEST:260069491.1  
16440-4011 ER2/ER2

Applicant : Songxiang Wei  
Appl. No. : 09/835,079  
Examiner : Ismail, Shawisaif  
Docket No. : 16440.4011

made by the GDI 102 to the display driver 104 are different from function calls made by a shared application to a Graphics Device Interface. Therefore, Boss does not meet the scope of the claim limitation of determining the position and size of the shared application by intercepting function calls made by the shared application to the Graphics Interface Device, as specifically required by claim 1.

In the Examiner's response to the Applicants previous arguments, the Examiner appeared to argue that Boss meets the scope of claim 1 "by intercepting tasks (display driver calls) and if the task is part of the shared application it is transmitted and displayed to the client system (col. 2, lines 57-67)" (see page 6 of Office Action dated 6/2/2006). However, claim 1 does not merely require monitoring the shared application by intercepting tasks. Rather, claim 1 specifically requires intercepting function calls made by the shared application itself, which are different from display driver calls made by the GDI 102 of Boss. Further, the point of monitoring and interception in claim 1 is completely different from Boss. Claim 1 monitors and intercepts function calls between the shared application and the Graphics Interface Device, while Boss monitors and intercepts display driver calls between the GDI 102 and the Display driver 104. Boss does not show any monitoring or interception of function calls between the Windows application 101 to the GDI 102. Applicants note that in order for a reference to anticipate a claim, the reference must show each and every element of the claim as arranged in the claim, which has not been met here (see M.P.E.P. § 2131).

Applicants respectfully request that the Examiner contact the undersigned by phone after having an opportunity to review the above arguments.

Applicant : Songxiang Wei  
Appl. No. : 09/835,079  
Examiner : Ismail, Shawisaif  
Docket No. : 16440.4011

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 08/08/06

By: Eugene Worley  
Eugene Worley  
Reg. No. 47,186

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710